

Remarks

With this response, applicant has amended claims 1 and 14 and added new independent claims 21-23. Consideration and allowance of presently pending claims 1-23 is respectfully requested.

I. Recapitulation of the Invention¹

Referring to FIGS. 1- 3, by way of example, the invention relates to a method of performing time management in a mobile telephone, e.g. a cellular phone, where a mobile telephone user is provided with the time in a way that automatically takes account of the time situation in which he or she is located. This method permits setting of a time in use, or a time displayed on the screen of a mobile telephone, according to a geographical zone in which the mobile telephone is located. This method for the management of time in a mobile telephone preferably includes the following steps:

- a binary message representing a real time is produced and stored in one register;
- this binary message is used, or displayed on the screen, in an understandable form to make it useful or visible to the mobile telephone user;

wherein:

- a binary message representing an absolute time is produced and stored in another register;
- a country code of a country in which the mobile telephone is located is measured;
- a value of absolute time is added to a time difference value associated with the measurement, and a modified time is obtained; and
- the modified time is substituted for the real time.

¹ This Section is intended to provide the Examiner with some background information on the state of the art and applicant's contribution to it. It is *not* intended to distinguish specific claims from the prior art. That task is performed in Section II below.

II. Rejections Under 35 U.S.C. §103(a)

1. Claims 1-3, 6, 9 and 10

In the Office Action, the Examiner has rejected claims 1-3, 6, 9 and 10 under 35 U.S.C. §103(a) as being unpatentable over Nakamura, U.S. Patent No. 6,201,963, in view of Konno, U.S. Patent No. 6,282,431, and further in view of Loomis, U.S. Patent No. 5,521,887.

a. Independent Claim 1

Neither Nakamura nor Konno nor Loomis, alone or in combination with each other, disclose, teach or otherwise suggest a method for management of time in a mobile phone, e.g., a mobile telephone time correction method, that includes producing, e.g., storing, absolute and real times in separate registers of the mobile phone and measuring, e.g., obtaining, a country code of the country in which the mobile phone is located, and adding a time difference value associated with the measured country code to the absolute time to obtain a modified time that is substituted for the real time that is displayed on a display screen of the mobile phone.

Nakamura fails to disclose a mobile phone time management method that uses an absolute time stored in a register onboard the mobile telephone. While Konno discloses a mobile phone time management method that uses an onboard real time timer unit, Konno also fails to disclose storing absolute time in a register onboard the mobile telephone. While Konno discloses it can receive "SYS_TIME" when the mobile phone is used in a CDMA communications system, it discloses it is used in a formula "carried out by the processor 1 (see FIG. 1)" and contains no disclosure that it is stored in a register on board the mobile telephone. *See Konno*, col. 7, lines 36-50. Moreover, unlike the claimed method, Konno teaches that use of an absolute time in mobile phone time management is not a necessity, but rather is optional as no such absolute time is used when the mobile phone is used in an analog or AMPS communications system. *See Konno*, col. 7, lines 54-55 ("In the AMPS system, the time information is not supplied [to each portable remote telephone terminal]."). Loomis does nothing to remedy these deficiencies. While Loomis discloses that a time signal, i.e., a digital signal or message that can be decoded into a local time and/or date, is transmitted from a satellite

to remotely located devices, it fails to disclose any mobile phone time management method where an absolute time is kept in a register of a mobile telephone.

In addition, the office action fails to set forth a prima facie case of obviousness. A prima facie case of obviousness requires three basic criteria. *First*, there must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. *Second*, there must be a reasonable expectation of success in doing so. *Third*, prior art references, when combined, must teach or suggest all of the claim limitations. ***Here, applicant submits, at least the first and third prongs of a necessary prima facie obviousness burden of proof have not been met.***

With respect to the first obviousness prong, both errors of law and errors of fact are present. As to the errors of law, the official action has failed to specifically identify any suggestion or motivation to combine the reference teachings, either in the references, or in the knowledge generally known to one having ordinary skill the art of mobile phone telecommunications.

Turning first to the errors of law, while the rejection of claim 1 is based on 35 U.S.C. § 103, it fails to properly identify a legally cognizable suggestion for combining the cited art to re-create the combination recited in claim 1. The bedrock legal principles for rejecting a claim under 35 U.S.C. § 103 are well known and understood. Specifically, in *In re Rouffet*, 47 U.S.P.Q.2d 1453 (Fed. Cir. 1998), the Federal Circuit explained:

To reject claims in an application under section 103, an examiner must show an un rebutted prima facie case of obviousness. In the absence of a proper prima facie case of obviousness, an applicant who complies with the other statutory requirements is entitled to a patent.

Id. at 1455 (citations omitted and emphasis added). In the *Rouffet* case, the Examiner had rejected the pending claims on a combination of references. The Board sustained the Examiner. However, the Federal Circuit reversed the Board's decision and ruled that the Examiner's rejections were legally impermissible for failure to demonstrate a suggestion or motivation to combine the references in the manner proposed by the Examiner.

As explained by the Federal Circuit:

As this court has stated, “virtually all [inventions] are combinations of old elements.” Therefore, an examiner may often find every element of a claimed invention in the prior art. If identification of each claimed element in the prior art were sufficient to negate patentability, very few patents would ever issue. Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. Such an approach would be “an illogical and inappropriate process by which to determine patentability.” To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the examiner to show a motivation to combine the references that create the case of obviousness. In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed.

Id. at 1457 (citations omitted and emphasis added). These principles have not been followed in rejecting the pending claims in this application.

On the contrary, the rejections based on multiple references contained in the office action amount to nothing more than a recitation of the elements allegedly found in the cited references followed by a conclusory statement that, given the alleged presence of these elements in the cited prior art, a person of ordinary skill in the art would have found it obvious to combine the references to create the claimed invention. The office action then essentially sets forth some vague conclusory statement why one of ordinary skill in the art would agree. *The problem with this approach is that it effectively eliminates the necessary requirement of identifying a suggestion for combining references from the obviousness analysis.* More specifically, the analysis present in the Office actions proceeds in the following manner:

- a) What elements are present in the pending claims?
- b) Can these elements be found in prior art references?

- c) If they can be found, and the references themselves provide no suggestion for combining these elements, can some end or advantage be identified to combine the elements in the manner proposed in the applicant's claims?
- d) If so, combine the elements in the manner proposed by the applicant and reject the pending claims.

This process is, of course, deeply flawed. Specifically, as noted by the Federal Circuit in the quote identified above, all of the elements of most claimed inventions can almost always be found in the prior art. Therefore, the answer to step "b" above will almost always be "yes". Since it is a statutory requirement that all inventions have utility, there will also always be an identifiable end or advantage in combining the elements in the prior art in the manner proposed by any claim. Often, as here, the advantages to combining reference teachings are easily found *using improper hindsight* in looking to the claimed invention. Therefore, if the "suggestion" requirement of 35 U.S.C. § 103 can be met by merely identifying any end or advantage which will be achieved by combining the elements of the prior art references, the suggestion requirement can always be met and is utterly meaningless.

The present office action doesn't go so far as to even seek to identify any end or advantage upon which the combination of the three references is based. Rather, the office action simply lists three references from which the Examiner has picked and chosen parts of each reference which the Examiner erroneously contends collectively disclose all of the claim limitations found in amended claim 1. In this erroneous analysis, nothing is set forth in the office action that provides any suggestion or motivation whatsoever in the references themselves for combining them in the manner proposed by the Examiner. Rather, the office action simply lists the claim limitations the Examiner contends that each reference discloses along with the naked, conclusory statement that the combination of these references "achieve an operable modified mobile telephone time management system that can display visibly the binary message representing the real time of the associated country in which the user is located."

In essence, the analysis presented in the office action simply presents naked, conclusory statements that amount to nothing more than the unsupported opinion of the Examiner that a person of ordinary skill in the art would be motivated to add the missing claim limitations to Nakamura, and then to Konno and Nakamura, because they would want to gain the benefits of

adding whichever elements is or are missing. In other words, the only motivation proffered in the office action is to achieve the desired benefit of adding each missing element. Of course, such circular reasoning *cannot* be a legally proper tool for identifying a suggestion for combining references. If it were, no combination of old elements would ever be patentable since one can always nakedly state such a motivation.

In summary, applicant respectfully submits that each of the §103 rejections must be withdrawn because they each independently fail to identify a legally proper suggestion or motivation for combining the prior art references in the manner proposed by the Office.

Errors of fact are also present in the obviousness rejections. First, there is no legally proper motivation or suggestion to combine the purported reference teachings. To illustrate, Konno contains no disclosure indicating that anything other than a SID code received by a mobile telephone could be used in the practice of its disclosed mobile phone time management method. Conversely, Nakamura fails to disclose the use of anything other than a country code in the practice of the mobile phone time management it discloses. Thus, when Nakamura and Konno are carefully examined, one of ordinary skill in the art would lack any motivation to combine them because the two references disclose two completely different and incompatible mobile phone time management methods. As a result, one of ordinary skill in the art would not have looked to Konno with the disclosure of Nakamura in front of him or her (and vice versa).

The office action has simply failed to point to any evidence of a suggestion or motivation, either in the cited art or in the knowledge of those of ordinary skill, to combine Nakamura, Konno and Loomis. Substantial evidence of such suggestion or motivation to combine reference teachings is necessary for a prima facie case of obviousness. *In re Zurko*, 96-1258, August 2, 2001 (Fed. Cir. 2001). The Federal Circuit has repeatedly held that the tactic of using improper hindsight as motivation to combine references does not meet the necessary burden of proof for raising an obviousness rejection. Therefore, the first necessary prong of establishing a prima facie case of obviousness fails. Independent claim 1 is in condition for allowance based on at least these grounds.

The third prong of a prima facie obviousness showing is also not met. The combined teachings of these two references, *even if improperly combined*, also fail to disclose, teach, or

suggest all of the limitations of amended independent claim 1. Amended claim 1 recites a method of mobile phone time management that uses “a binary message representing a real time is produced in a register of the mobile telephone” and “a binary message representing an absolute time is produced in another register of the mobile telephone,” which is not disclosed, taught or suggested in Nakamura, Konno or Loomis.

For at least these reasons, it is believed that independent claim 1 should be allowed and its allowance is respectfully requested.

b. Dependent Claim 2

Dependent claim 2 depends from independent claim 1, a claim believed to be presented in condition for allowance. For at least this reason, its allowance is respectfully requested.

Moreover, neither Konno, Nakamura, nor Loomis disclose setting the displayed time when the mobile phone is in a standby mode. The passage at col. 2, lines 62-67, of Konno identified in the office action does not teach “that the time is set immediately after the power supply of the portable remote telephone is switched on.” Rather, Konno discloses that the receiving unit of the mobile phone receives “time information supplied in the first [communications] system to which the second system selected immediately after turning on a power supply is switched.” Nothing in this passage of Konno discloses, teaches or suggests setting the displayed time when the mobile phone is in a standby mode as is recited in claim 2. For at least this further reason, the allowance of claim 2 is respectfully requested.

c. Dependent Claims 3, 6, and 9

Dependent claims 3, 6 and 9 all ultimately depend from independent claim 1, a claim believed to be presented in condition for allowance. For at least this reason, allowance of each of these claims is respectfully requested.

d. Dependent Claim 10

Dependent claim 10 ultimately depends from independent claim 1, a claim believed to be presented in condition for allowance. For at least this reason, allowance of claim 10 is respectfully requested.

In addition, while Nakamura discloses "a displaying device for displaying data of the user interface," this reference does not disclose, teach or suggest actually displaying on the mobile telephone the name of the country in which the phone is located. For at least this further reason, claim 10 is believed to be in condition of allowance and its allowance is respectfully requested.

2. Dependent Claims 4 and 5

In the Office Action, the Examiner has rejected claims 4 and 5 under 35 U.S.C. §103(a) as being unpatentable over Nakamura, Konno, and Loomis and further in view of Beatty, U.S. Patent No. 5,521,887.

a. Dependent Claim 4

Dependent claim 4 ultimately depends from independent claim 1, a claim now believed to be presented in condition for allowance. For at least this reason, allowance of claim 4 is respectfully requested.

As previously discussed above with regard to independent claim 1, Nakamura, Konno and Loomis are improperly combined, necessitating withdrawal of the rejection of claims 1 and 4. In addition, the office action provides no motivation or suggestion in these references for being combined with the Beatty reference.

For at least these further reasons, allowance of claim 4 is respectfully requested.

b. Dependent Claim 5

Dependent claim 5 ultimately depends from independent claim 1, a claim now believed to be presented in condition for allowance. For at least this reason, allowance of claim 5 is respectfully requested.

As previously discussed above with regard to independent claim 1, Nakamura, Konno and Loomis are improperly combined, necessitating withdrawal of the rejection of claims 1 and 5. In addition, as mentioned with regard to claim 4, the office action provides no motivation or suggestion in these references for being combined with the Beatty reference. Finally, Beatty contains no teaching or suggestion that "identification corresponding to a country code of a country in which the mobile telephone is located is sent, and ... this code is converted in the mobile telephone into a data element for setting the displayed time."

For at least these further reasons, allowance of claim 5 is respectfully requested.

3. Dependent Claim 7

In the Office Action, the Examiner has rejected claim 7 under 35 U.S.C. §103(a) as being unpatentable over Nakamura, Konno, and Loomis and further in view of Makela et al., U.S. Patent No. 6,301,338.

Dependent claim 7 ultimately depends from independent claim 1, a claim now believed to be presented in condition for allowance. For at least this reason, allowance of claim 7 is respectfully requested.

As previously discussed above with regard to independent claim 1, Nakamura, Konno and Loomis are improperly combined, necessitating withdrawal of the rejection of claims 1 and 7. In addition, the office action provides no motivation or suggestion in these references for being combined with the Makela et al. reference. More specifically, for example, none of Nakamura, Konno and Loomis teaches or suggests the desirability of a mobile phone capable of receiving any other type of messaging type other than what is disclosed in each respective reference.

For at least these further reasons, allowance of claim 7 is respectfully requested.

4. Independent Claim 11

In the Office Action, the Examiner has rejected independent claim 11 under 35 U.S.C. §103(a) as being unpatentable over Nakamura, Konno, and Loomis and further in view of Ishii, E.P. Patent No. 0 565 927 A1.

As previously discussed above with regard to independent claim 1, Nakamura, Konno and Loomis are improperly combined, thereby necessitating withdrawal of the rejection of this claim on this basis. With specific regard to claim 11, the office action provides no motivation or suggestion found in these references that supports their being combined with each other as well as with the Ishii reference. This is because one of ordinary skill in the art would not be motivated to combine these references - none of Nakamura, Konno, Loomis and Ishii teaches or suggests the desirability of a mobile phone capable of receiving any messaging type other than what is disclosed in each respective reference. With specific regard to the Ishii reference, the

office action also fails to provide any evidence whatsoever of any teaching that supports combining this reference with any of the other three references upon which this claim rejection is based.

The Ishii reference is deficient when examined on its own merits. First, it nowhere discloses receiving data pertaining to the country in which the mobile telephone is located, as required by claim 11. Second, while Ishii does disclose a lookup table, the lookup table is not a country lookup table as is also required by claim 11.

For at least these reasons, allowance of claim 11 is respectfully requested.

5. Dependent Claims 12-19 and Independent Claim 20

In the Office Action, the Examiner has rejected claims 12-20 under 35 U.S.C. §103(a) as being unpatentable over Nakamura, Konno, and Ishii and further in view of Beatty, U.S. Patent No. 5,920,824.

a. Dependent Claim 12

Dependent claim 12 depends from independent claim 11, a claim believed to be presented in condition for allowance. For at least this reason, its allowance is respectfully requested.

As previously discussed above with regard to independent claim 1, Nakamura and Konno are improperly combined, thereby necessitating withdrawal of the rejection of this claim for this reason alone. As previously discussed above with regard to independent claim 11, the Ishii reference is also improperly combined making withdrawal of this claim rejection proper. With specific regard to the Beatty reference, the office action also fails to provide any evidence whatsoever of any teaching that supports combining this reference with any of the other three references upon which this claim rejection is based.

Like the Ishii reference, the Beatty reference is also deficient: (1) it nowhere discloses receiving data pertaining to the *country* in which the mobile telephone is located, and (2) its lookup table also is not a country lookup table.

Even if one assumes that the references are somehow properly combined, none of these references, alone or in combination with each other, discloses, teaches or suggests a mobile phone time management method where a lookup table on board a mobile telephone is accessed

to determine the right time zone offset to apply for a given country, even where the country has more than one time zone. Implementation of the claimed method advantageously enables a mobile telephone to automatically adjust its time to correspond to the proper time for its exact locale within a country, even where the country has more than one time zone. A mobile telephone that implements the claimed method is advantageously able to automatically compensate for time differences no matter where in the world it is used.

For at least these reasons, allowance of dependent claim 12 is respectfully requested.

b. Dependent Claim 13

Dependent claim 13 depends from dependent claim 12, a claim believed to be presented in condition for allowance. Dependent claim 13 ultimately depends from independent claim 11, also believed to be presented in condition for allowance. For at least these reasons, its allowance is respectfully requested.

As previously discussed above with regard to independent claim 1, Nakamura and Konno are improperly combined, thereby necessitating withdrawal of the rejection of this claim for this reason alone. As previously discussed above with regard to independent claim 11, the Ishii reference is also improperly combined making withdrawal of this claim rejection proper. With specific regard to the Beatty reference, the office action also fails to provide any evidence whatsoever of any teaching that supports combining this reference with any of the other three references upon which this claim rejection is based. As a result, it too is improperly combined, further making withdrawal of the rejection of this claim proper.

Claim 13 is also believed to recite allowable subject matter because none of the cited references, alone or in combination, disclose, teach or suggest a mobile telephone time management method where the data from the base station that is received by the mobile telephone and used by the mobile telephone in adjusting its time to correspond to local time includes the country code *and* an identification of the cell whose signal is actually being received by the mobile telephone.

For at least these reasons, allowance of dependent claim 13 is respectfully requested.

c. Dependent Claim 14

Dependent claim 14 depends from dependent claim 13, a claim believed to be presented in condition for allowance. Dependent claim 14 ultimately depends from independent claim 11, also believed to be presented in condition for allowance. For at least this reason, its allowance is respectfully requested.

d. Dependent Claim 15

Dependent claim 15 depends from dependent claim 14, a claim believed to be presented in condition for allowance. Dependent claim 15 ultimately depends from independent claim 11, also believed to be presented in condition for allowance. For at least this reason, its allowance is respectfully requested.

As previously discussed above with regard to independent claim 1, Nakamura and Konno are improperly combined, thereby necessitating withdrawal of the rejection of this claim for this reason alone. As previously discussed above with regard to independent claim 11, the Ishii reference is also improperly combined making withdrawal of this claim rejection proper. With specific regard to the Beatty reference, the office action also fails to provide any evidence whatsoever of any teaching that supports combining this reference with any of the other three references upon which this claim rejection is based. As a result, it too is improperly combined, making withdrawal of the rejection of this claim proper.

Claim 15 is also believed to recite allowable subject matter because none of the cited references, alone or in combination, disclose, teach or suggest a mobile phone time management method where the mobile telephone receives the country code of the country in which the mobile telephone is located *and* the Location Area Code-Cell Identity (LAC-CI) data of the cell from which the mobile telephone is receiving its signal and is therefore located.

For at least these reasons, allowance of dependent claim 15 is respectfully requested.

e. Dependent Claim 16

Dependent claim 16 depends from dependent claim 15, a claim believed to be presented in condition for allowance. Dependent claim 16 ultimately depends from independent claim 11,

also believed to be presented in condition for allowance. For at least this reason, its allowance is respectfully requested.

As previously discussed above with regard to independent claim 1, Nakamura and Konno are improperly combined, thereby necessitating withdrawal of the rejection of this claim for this reason alone. As previously discussed above with regard to independent claim 11, the Ishii reference is also improperly combined making withdrawal of this claim rejection proper. With specific regard to the Beatty reference, the office action also fails to provide any evidence whatsoever of any teaching that supports combining this reference with any of the other three references upon which this claim rejection is based. As a result, it too is improperly combined, making withdrawal of the rejection of this claim proper.

Claim 16 is also believed to recite allowable subject matter because none of the cited references, alone or in combination, disclose, teach or suggest a mobile phone time management method where the mobile telephone receives the country code of the country in which the mobile telephone is located *and* the LAC-CI data of the cell from which the mobile telephone is receiving its signal and is therefore located. In addition, none of these references disclose, teach or suggest including the country code in the LAC-CI data and the operator code in the LAC-CI data.

For at least these reasons, allowance of dependent claim 16 is respectfully requested.

f. Dependent Claim 17

Dependent claim 17 depends from dependent claim 16, a claim believed to be presented in condition for allowance. Dependent claim 17 ultimately depends from independent claim 11, also believed to be presented in condition for allowance. For at least these reasons, its allowance is respectfully requested.

g. Dependent Claim 18

Dependent claim 18 depends from dependent claim 17, a claim believed to be presented in condition for allowance. Dependent claim 18 ultimately depends from independent claim 11, also believed to be presented in condition for allowance. For at least these reasons, its allowance is respectfully requested.

As previously discussed above with regard to independent claim 1, Nakamura and Konno are improperly combined, thereby necessitating withdrawal of the rejection of this claim for this reason alone. As previously discussed above with regard to independent claim 11, the Ishii reference is also improperly combined making withdrawal of this claim rejection proper. With specific regard to the Beatty reference, the office action also fails to provide any evidence whatsoever of any teaching that supports combining this reference with any of the other three references upon which this claim rejection is based. As a result, it too is improperly combined, making withdrawal of the rejection of this claim proper.

Claim 18 is also believed to recite allowable subject matter because none of the cited references, alone or in combination, disclose, teach or suggest a mobile telephone time management where the time kept by the mobile telephone is Greenwich Mean Time (GMT). GMT is not mentioned in any one of the cited references.

GMT is the local time at the 0° meridian passing through Greenwich, England, and is a reference time used throughout the world. Because of this, a mobile telephone practicing the claimed method using GMT as its absolute time results in more accurate time adjustments that are easier to apply throughout the world. Using GMT also helps make the method more compatible with the many different types of cellular phone systems in use throughout the world today.

For at least these reasons, allowance of dependent claim 18 is respectfully requested.

h. Dependent Claim 19

Dependent claim 19 depends from independent claim 11, a claim believed to be presented in condition for allowance. For at least these reasons, its allowance is respectfully requested.

i. Independent Claim 20

As previously discussed above with regard to independent claim 1, Nakamura, Konno and Loomis are improperly combined, thereby necessitating withdrawal of the rejection of this claim on this basis. As previously discussed with regard to claim 11, the office action provides no motivation or suggestion found in these references that supports their being combined with each other as well as with the Ishii reference. This is because one of ordinary skill in the art

would not be motivated to combine these references - none of Nakamura, Konno, Ishii and Beatty teaches or suggests the desirability of a mobile phone capable of receiving any messaging type other than what is disclosed in each respective reference. With specific regard to the Ishii reference, the office action also fails to provide any evidence whatsoever of any teaching that supports combining this reference with any of the other three references upon which this claim rejection is based.

None of these references, alone or in combination, disclose, teach or suggest a mobile telephone time management method that not only adjusts its kept to compensate for the difference in time due to the time zone in which the mobile telephone is located, but which can also adjust the time based on whether daylight savings time is in effect, and can do so when the mobile telephone is used in different countries. None of these references disclose, teach or suggest a mobile telephone time management method that is universally applicable throughout the world enabling mobile telephone users to carry a phone that adjusts its time to correspond with that of the locale in which it is being used including compensating for daylight savings time, no matter the country where the phone is taken.

For at least these reasons, allowance of claim 20 is respectfully requested.

III. Newly Presented Claims

1. Independent Claim 21

Newly presented independent claim 21 is believed to be presented in condition for allowance as this claim includes limitations recited in dependent claim 8, a claim indicated by the Examiner as reciting allowable subject matter.

2. Independent Claim 22

Newly presented independent claim 22 is believed to be presented in condition for allowance as none of the cited references disclose a mobile telephone management method that uses country and locale related data received by the mobile telephone from a base station of a mobile network adds a time zone difference offset based on the received country and locale related data to absolute time stored in the mobile telephone to update its real time so it



Serial No. 10/135,971 to Pierre QUENTIN
Art Unit: 2686

Reply to Office Action of December 15, 2003

corresponds to the local time of the locale of the base station whose signals are being received by the mobile telephone.

For at least these reasons, allowance of claim 22 is respectfully requested.

3. Independent Claim 23

Newly presented independent claim 23 is believed to be presented in condition for allowance as this claim includes limitations recited in dependent claim 8, a claim indicated by the Examiner as reciting allowable subject matter.

Conclusion and Petition for Two Month Extension of Time

With this response, the Commissioner is authorized to charge \$678 to Deposit Account No. 50-1170 for the addition of three additional independent claims and for a two month extension of time from March 15, 2004 to May 17, 2004 (May 15, 2004 fell on a Saturday). No other fees are believed to be payable with this communication. However, the Commissioner is authorized to charge any fees or credit any overpayment to Deposit Account No. 50-1170.

Applicant believes the application is now in condition for allowance and such action is earnestly requested. If the Examiner believes that a telephone interview with applicant's attorney would facilitate the prosecution and allowance of the application, the Examiner is invited to contact the attorney at the telephone number listed below.

Respectfully submitted,

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